

AMENDED IN ASSEMBLY APRIL 10, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1725

**Introduced by Committee on Judiciary (Jones (Chair), Evans,
Feuer, Krekorian, Laird, Levine, and Lieber)**

March 6, 2007

An act to ~~amend Section 3388 of~~ *add Section 51.13 to* the Civil Code,
relating to ~~contracts~~ *discrimination*.

LEGISLATIVE COUNSEL'S DIGEST

AB 1725, as amended, Committee on Judiciary. ~~Contracts:~~
~~enforcement.~~ *Discrimination: medical care.*

The Unruh Civil Rights Act entitles all persons within the jurisdiction of this state to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments, regardless of sex, race, color, religion, ancestry, national origin, disability, medical condition, marital status, or sexual orientation.

Under existing law, persons holding licenses under the provisions of the Business and Professions Code are subject to disciplinary action for refusing, or aiding or inciting another licensee to refuse, to perform the licensed services because of the prospective recipient's race, color, sex, religion, ancestry, disability, marital status, or national origin.

This bill would further prohibit a business establishment subject to those licensing provisions from discriminating against a patient based upon sex, race, color, religion, ancestry, national origin, disability, medical condition, marital status, or sexual orientation, except as specified.

~~Under existing law, a party who has signed a written contract may be compelled to perform the contract, though the other party has not~~

signed the contract, if the latter has performed, or offers to perform the contract on his or her part, and the case is otherwise proper for enforcing specific performance.

~~This bill would make technical, nonsubstantive changes to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 51.13 is added to the Civil Code, to read:*
- 2 *51.13. Sections 51 and 51.5 shall be construed to prohibit a*
- 3 *business establishment subject to Section 125.6 of the Business*
- 4 *and Professions Code from discriminating in the provision of*
- 5 *medical services and care to a patient based upon or affected by*
- 6 *the characteristics covered by those sections, except to the extent*
- 7 *that a circumstance such as age, sex, or physical or mental*
- 8 *disability is medically significant to the provision of appropriate*
- 9 *medical services or care to the patient.*
- 10 ~~SECTION 1. Section 3388 of the Civil Code is amended to~~
- 11 ~~read:~~
- 12 ~~3388. A party who has signed a written contract may be~~
- 13 ~~compelled specifically to perform it, though the other party has~~
- 14 ~~not signed it, if the latter has performed, or offers to perform it on~~
- 15 ~~his or her part, and the case is otherwise proper for enforcing~~
- 16 ~~specific performance.~~